

ENTERED

DEC - 7 1995

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

ORDER BOO

PAGE

SHELBY LEARY, Commissioner,
State of West Virginia Division
of Labor, on behalf of
DAVID BELCHER, CALVIN CHEEKS,
JEFFREY CHEEKS, RANSOME MITCHEM,
JOHNNY BROWN, DAVID DENTON,
DAVID HAGEMAN, HARLIN HAGEMAN,
ROBERT HILL, STEPHEN O'DELL,
BERNARD SIMPSON, IRA SIMPSON,
CLAUDE SMITH, and ANTHONY TAYLOR,

Plaintiffs

v.

Civil Action No. 2:93-1191

BLUESTONE COAL CORPORATION,

Defendant

JUDGMENT ORDER

Consistent with the orders of the court entered on August 25, 1995, October 13, 1995, and December 7, 1995; the stipulation of the parties filed on September 22, 1995; and the affidavit and attachment filed by the plaintiff on November 6, 1995, it is ORDERED and ADJUDGED that judgment be, and it hereby is, entered against defendant Bluestone Coal Company and in favor of the plaintiff on behalf of the following individuals in the amount specified for each employee, together with interest thereon at the rate of 5.62% from November 4, 1995, to November 15, 1995, and at the rate of 5.45% from November 16, 1995, until paid:

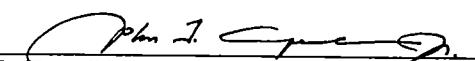
Johnny Brown	\$ 3,355.78
David Denton	2,687.56
David Hagerman	890.25
Harlin Hagerman	905.01
Robert E. Hill	1,124.95
Steven H. O'Dell	1,993.48
Bernard Simpson	2,785.19
Ira Simpson	2,844.91
Claude Smith	1,993.48
Anthony Taylor	<u>2,749.06</u>
 Total	 \$21,329.67

It is further ORDERED and ADJUDGED, pursuant to the memorandum order entered on August 25, 1995, that judgment be, and it hereby is, entered in favor of defendant Bluestone Coal Corporation and against plaintiff with respect to plaintiff's claims on behalf of the former employees of BBC Coal Company, Inc.; namely, David Belcher, Calvin Cheeks, Jeffrey Cheeks, and Ransome Mitchem, and that plaintiff take nothing on the claims brought on behalf of those employees.

All matters in this action having been resolved, except for plaintiff's request for costs and attorney fees pursuant to section 21-5-12 of the West Virginia Wage Payment and Collection Act, W. Va. Code 21-5-12, it is further ORDERED that this action be, and the same hereby is, dismissed and stricken from the docket of the court. It is further ORDERED that plaintiff may have until December 29, 1995, to submit her petition for costs and attorney fees.

The Clerk is directed to forward copies of this order to all counsel of record.

DATED: December 7, 1995


JOHN T. COPENHAVER, JR.
United States District Judge